

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:05-cr-13

UNITED STATES OF AMERICA

vs.

ANTONIO DELREA SMITH

ORDER

**THIS MATTER** is before the Court upon motions of the defendant for a reduction of sentence based on the retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine triggered by the Fair Sentencing Act of 2010 (Doc. Nos. 57, 58) and the government's response (Doc. No. 60).

The Court previously reduced the defendant's sentence on Count One to 120 months based on earlier amendments to the guidelines. (Doc. No. 55: Order). Although the defendant argues that the guideline range has now been reduced to 84-105 months, the statutory mandatory minimum sentence applicable to the defendant's offense prevents any further reduction. USSG §§1B1.10 comment. (n.1(A)), 5G1.1(b); United States v. Hood, 556 F.3d 226, 233 (4th Cir. 2009).

**IT IS, THEREFORE, ORDERED** that the defendant's motions are **DENIED**.

Signed: May 24, 2012



Robert J. Conrad, Jr.  
Chief United States District Judge

